



City of Huntington Beach Planning Department **STUDY SESSION REPORT**

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ron Santos, Associate Planner *RS*
DATE: September 23, 2008

SUBJECT: **APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF
CONDITIONAL USE PERMIT NO. 08-028 (SPRINGDALE
COMMERCIAL CENTER)**

LOCATION: 16161 Springdale Street, 92649 (west side of Springdale St., south of Edinger Ave.)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

This item is an appeal, filed by the project proponent, Bill Makari, of the Zoning Administrator's August 13, 2008 approval of Conditional Use Permit (CUP) No. 08-028. CUP No. 08-028 is a request to permit construction of an approximately 8,795 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements.

The project site is a 32,580 sq. ft. vacant commercial property, located on the west side of Springdale Street, south of Edinger Avenue, in the CG (Commercial General) Zone. The site was previously developed with a 4,200 sq. ft. restaurant which had recently been destroyed by fire. The surrounding neighborhood is developed with commercial and residential uses, as described in the table below.

Current Land Use, Zoning and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (Commercial General – 0.35 max. floor area ratio)	CG (Commercial General)	Vacant
North of Subject Property	CG-F1	CG	Commercial (Von's Market)
South of Subject Property	RMH-25 (Residential Medium High Density – 25 units/acre)	(Q) RMH (Qualified)	Senior Apartments
East and West	RL-7 (Residential Low Density – 7 units/acre)	RL (Residential Low Density)	Single-family Residential

The project, as proposed, complies with the applicable provisions of the General Plan and the CG zoning designation, including maximum building height, lot coverage and floor area ratio, and minimum on-site parking, landscaping and building setbacks. There are no special circumstances or unique conditions which apply to the project or the project site.

#SS-A3

The applicant is appealing the Zoning Administrator's approval of the application on the basis of objections to two requirements imposed on the project: (1) Condition of Approval No. 4, which requires the undergrounding of all existing utilities within the project site and within easements exclusively serving the project site; and (2) the traffic impact fee imposed on the project – originally \$72,072 and since adjusted to \$69,916. Specifically, the applicant/appellant contends that the utilities to be undergrounded also serve other properties and that the associated costs (of undergrounding) may prohibit the project. In addition, the applicant asserts that the floor area figure assigned to the previously existing building, which was used to determine the traffic impact fee credit, is inaccurate; that the previously existing building was larger than City building permit records indicate and therefore that a higher fee credit should be applied to the project. The traffic impact fee for the project was determined based on the following formula:

New Construction: 8,795 s.f. retail = 836 daily trips @ \$154/trip = \$128,744

Credit for Previously Existing Building: 4,200 s.f. restaurant = 382 trips @ \$154/trip = \$58,828

Total Traffic Impact Fee: \$128,744 - \$58,828 = \$69,916

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: **MANDATORY PROCESSING DATE(S):**

July 15, 2008

September 13, 2008

The application for Conditional Use Permit No. 08-028 was filed on June 19, 2008 and deemed complete on July 15, 2008. The request was approved by the Zoning Administrator at a public hearing on August 13, 2008, in compliance with the mandatory processing timeline. An appeal was filed by the applicant on August 25, 2008 (Attachment No. 6). The application is tentatively scheduled for public hearing before the Planning Commission on October 14, 2008.

CEQA ANALYSIS/ REVIEW

The proposed project is Categorically Exempt, pursuant to Section 15303, Class 3 of the California Environmental Quality Act, which exempts projects consisting of construction of a commercial structure not exceeding 10,000 sq. ft. in floor area in an urbanized area, on a site zoned for such use where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Building & Safety, Fire, and Public Works have reviewed the application and identified applicable code requirements (Attachment No. 5).

PUBLIC MEETINGS, COMMENTS AND CONCERNS

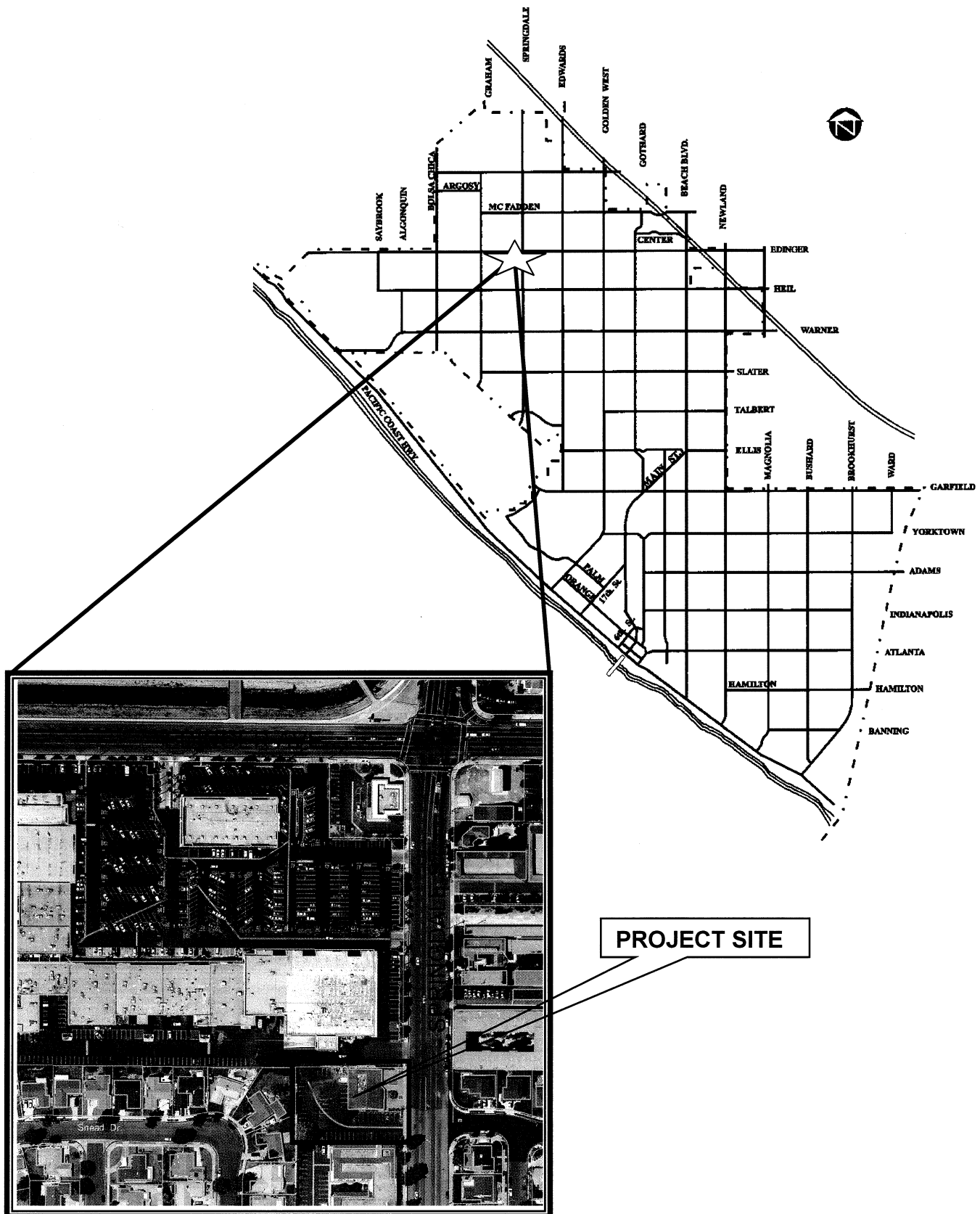
The Zoning Administrator held a public hearing of this application on August 13, 2008. The applicant and the applicant's architect spoke in support of the project. No other public comments regarding this project have been received to date.

PLANNING ISSUES

The primary issues for the Planning Commission to consider are those identified in the applicant's appeal letter; the condition of approval requiring the undergrounding of utilities and the amount of monetary credit applied to the project's traffic impact fee based on the previously existing building. The condition of approval requiring the undergrounding of utilities is supported by General Plan policies (Urban Design Element Policy UD 2.2.4; Utilities Element Policy U 5.1.2) and is a suggested condition of approval that has been recommended on development projects throughout the City where applicable. The traffic impact fee is required pursuant to the provisions of Huntington Beach Municipal Code Chapter 17.65 – *Fair Share Traffic Impact Fee*, which establishes the formula for calculating both the traffic impact fee and the fee adjustment (i.e., the credit) based on the existence (or previous existence) of buildings to be replaced by the new development project. As noted above, the Public Works Department calculated the traffic impact fee adjustment (\$58,828) based on City building permit records which indicate the floor area of the previously existing building. To date, the applicant/appellant has not submitted any evidence which supports the assertion that City building permit records are inaccurate.

ATTACHMENTS:

1. Vicinity Map
2. Site plan, floor plans, and elevations received and dated July 25, 2008
3. Zoning Administrator Notice of Action – CUP No. 08-028, August 13, 2008
4. Draft minutes of the August 13, 2008 Zoning Administrator meeting
5. Code Requirements Letters – CUP No. 08-028 (Building & Safety Dept: July 16, 2008; Fire Dept: July 14, 2008; Planning Dept: August 4, 2008; Public Works Dept: August 7, 2008).
6. Applicant's appeal letter dated August 25, 2008
7. General Plan Policy – Undergrounding of Utilities
8. Huntington Beach Municipal Code Chapter 17.65 – *Fair Share Traffic Impact Fee*



VICINITY MAP
CONDITIONAL USE PERMIT NO. 08-028
(SPRINGDALE COMMERCIAL CENTER – 16161 SPRINGDALE ST.)

CONDITIONALLY APPROVED

CONCEPTUAL SITE PLAN

THIS REPRESENTS A CONCEPTUAL SITE PLAN ONLY;
IT IS NOT A PRECISE SITE PLAN APPROVAL AND
DOES NOT NECESSARILY REFLECT CONFORMANCE
TO ALL ORDINANCE CODE REQUIREMENTS.

08-13-08

RSANDS

ZONING ADMINISTRATOR

FOR RICHIE RAYOS

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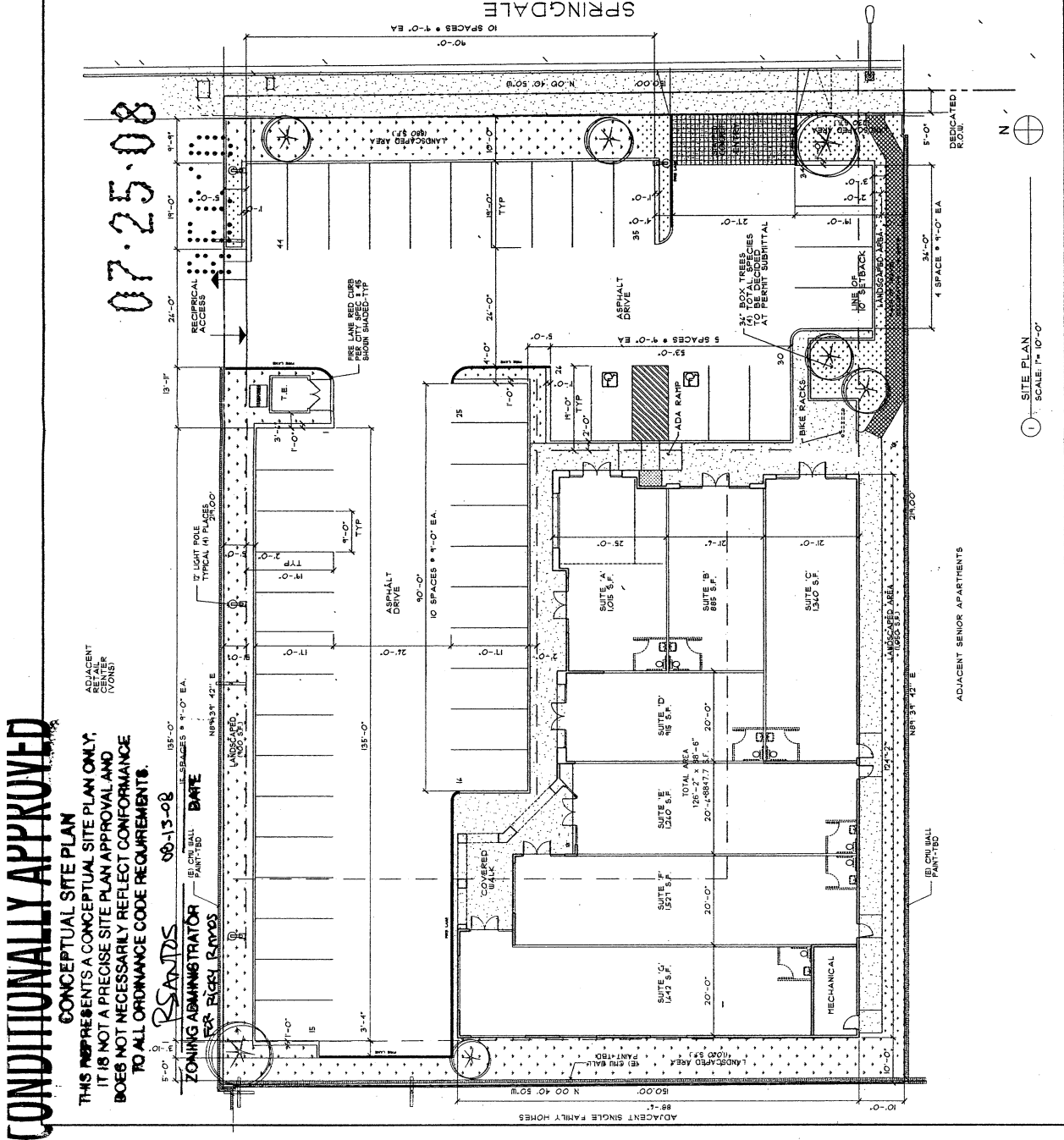
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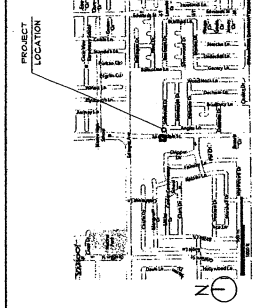
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07.25.08

VICINITY MAP



OWNERS

BOB STUTSHAK, LLC
2981 HARVESTER ROAD
HUNTING BEACH, CA 92647

SITE DATA

2007 CALIFORNIA BUILDING CODE BASED ON THE 2001 IBC
2007 CALIFORNIA MECHANICAL CODE BASED ON THE 2001 IMC
2007 CALIFORNIA ELECTRICAL CODE BASED ON THE 2001 NEC
2007 CALIFORNIA FIRE CODE BASED ON THE 2001 FBC
LOCAL CODES AND ORDINANCES

TYPE OF CONSTRUCTION VS
NO. OF STORIES ONE
FIRE SPRINKLER YES
OCCUPANCY M-2
USE RETAIL CENTER

LOT SIZE: 32,860 S.F.
GROSS: 180 S.F.
DEDICATION (R.O.W.): 33,000 S.F. (0.14 AC)
NET: 8,176 S.F.

BUILDING DATA
SHELL BUILDING: 2,548 S.F.
LANDSCAPE: 1,300 S.F.
REQUIRED: 44 SPACES
PROPOSED: 44 SPACES
HANDICAPPED: 2 SPACES

SCOPE OF WORK

- DEMO EXISTING SITE
- BUILD PROPOSED RETAIL CENTER

LEGAL

A.P.N. #
PROJECT ADDRESS
141 SPRINGDALE AVE.
HUNTING BEACH, CA 92647

REVISIONS

NO.	DATE	DESCRIPTION
1	07.25.08	ISSUED FOR PERMIT

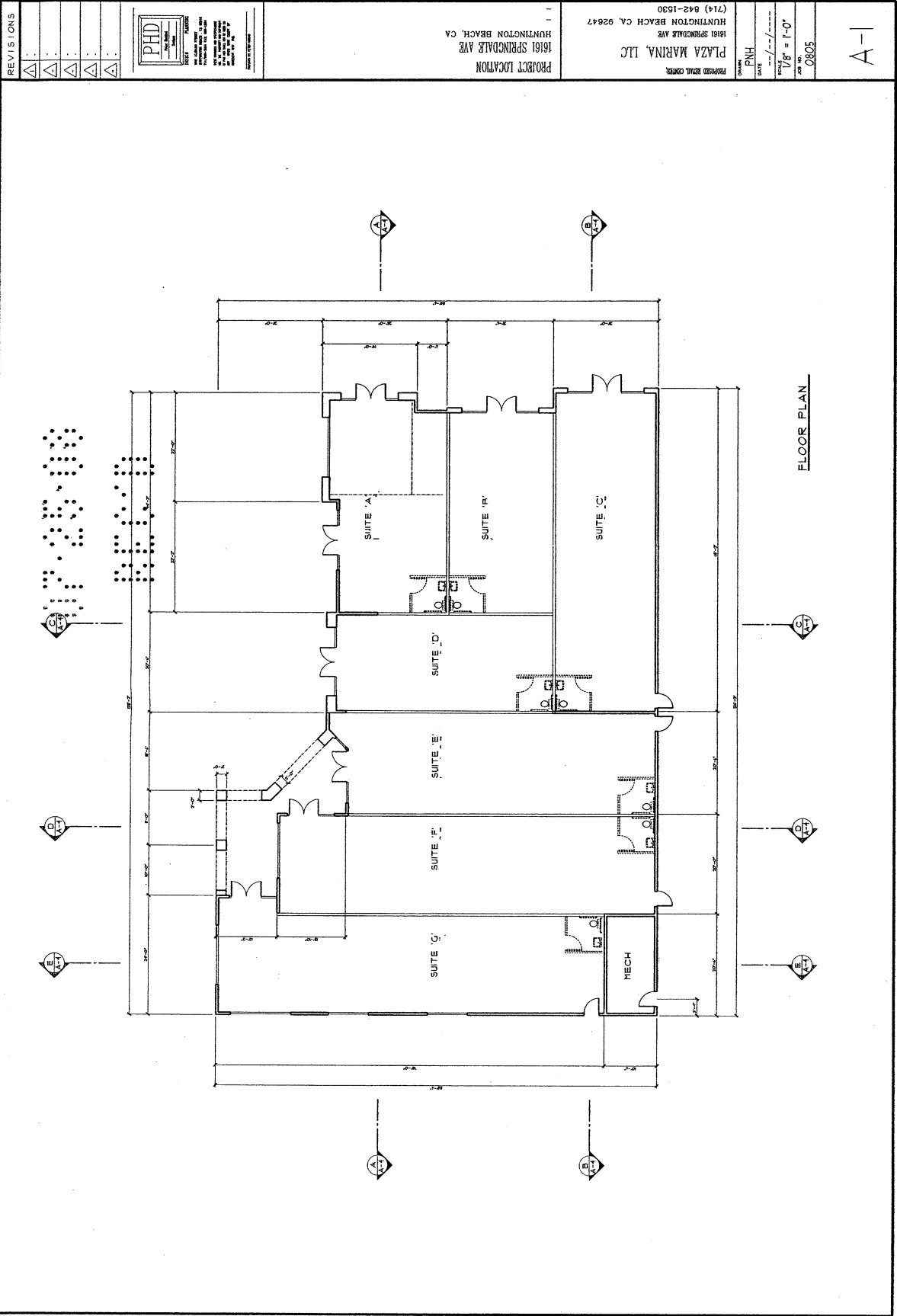


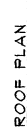
PROJECT LOCATION
161 SPRINGDALE AVE
HUNTING BEACH, CA

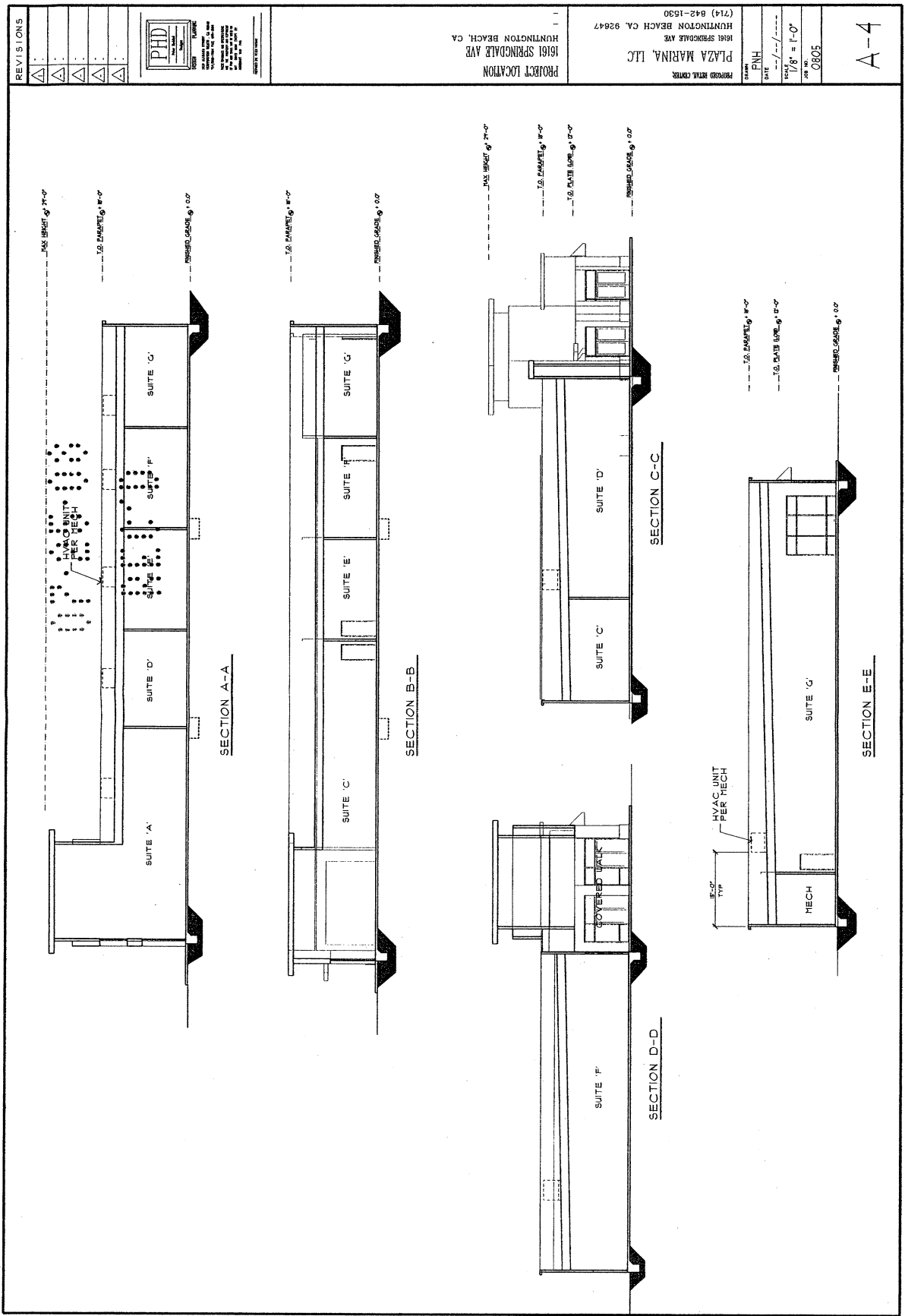
PLAZA MARINA, LLC
161 SPRINGDALE AVE
HUNTING BEACH, CA 92647
(714) 842-1530

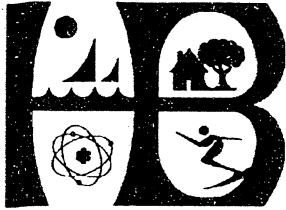
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NOTED
0805

SP-1









**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

August 14, 2008

Bill Makari  
7515 Oaktree Avenue  
Westminster, CA 92683

**SUBJECT:                   CONDITIONAL USE PERMIT NO. 2008-028 (SPRINGDALE  
STREET COMMERCIAL CENTER)**

**APPLICANT:               Bill Makari**

**REQUEST:                To permit construction of an approximately 8,795 sq. ft. single-  
story multi-tenant commercial (retail) building and associated  
site improvements.**

**PROPERTY OWNER:      BCR Stutsman, LLC, 29859 Harvester Road, Malibu, CA  
90265**

**LOCATION:                16161 Springdale Street, 92649 (west side of Springdale St.,  
south of Edinger Ave.)**

**PROJECT PLANNER:     Ron Santos**

**DATE OF ACTION:       August 13, 2008**

On Wednesday, August 13, 2008, the Huntington Beach Zoning Administrator took action on your application, and your application was **approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of

**ATTACHMENT NO. 3.1**

the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is August 25, 2008, at 5:00 PM.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Ron Santos, the project planner, at (714) 536-5561/  
[rsantos@surfcity-hb.org](mailto:rsantos@surfcity-hb.org) or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:RT:RS:kdc

Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Paul Emery, Interim City Administrator  
Scott Hess, Director of Planning  
William H. Reardon, Division Chief/Fire Marshal  
Herb Fauland, Planning Manager  
Terri Elliott, Principal Civil Engineer  
Gerald Caraig, Permit-Plan Check Manager  
Property Owner  
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-028

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of construction of a commercial structure not exceeding 10,000 sq. ft. in floor area in an urbanized area on a site zoned for such use where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-028:

1. Conditional Use Permit No. 2008-028 to permit construction of an approximately 8,795 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project site was previously developed for commercial (restaurant) use. The proposed project will re-establish a commercial use on the site and replace an aging building destroyed by fire with a new, code compliant building featuring a contemporary design and added landscaping. Activity areas on the project site will be oriented away from the adjacent residential properties. The project will provide adequate on-site parking in accordance with applicable code requirements, does not present unsafe conditions for pedestrians or vehicular circulation and will improve the appearance and value of the currently vacant site.
2. The conditional use permit will be compatible with surrounding uses because the project consists of a small retail center on property designated for commercial use by the zoning and general plan. Activity areas on the site, including parking areas and building entrances, are oriented away from adjacent residential properties. The proposed building will maintain a maximum height of 18 ft. within 45 ft. of the residential zone boundary, which is compatible with the heights of the existing dwellings in the vicinity.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including minimum building setbacks, on-site parking and landscaping requirements, and maximum floor area ratio and building height. The proposed project will accommodate retail uses, which are permitted in the CG (Commercial General) zoning district.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 10.1.10 Require that development be designed to convey a local neighborhood's character considering the limitation of building heights to those compatible with the surrounding neighborhood.

LU10.1.12. Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed project will be limited to single-story construction and will maintain an 18 ft. height limit within 45 ft. of the residential zone boundary. This design ensures building height compatibility with the surrounding neighborhood. In addition, the proposed project features a variety of roof lines, recesses and projections which minimize the visual bulk and mass of the building and provides a visually appealing design.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-028:**

1. The site plan, floor plans, and elevations received and dated July 25, 2008 shall be the conceptually approved design with the following modifications:
  - a. The width of the planting area along the Springdale Street frontage shall be increased from 9'-9" to 12' (including 2' at the head/vehicle overhang of parking spaces # 35-44).
  - b. Plan submitted for building permits shall indicate the height of the perimeter block walls. (A minimum height of 6'-0" is required.) Existing walls to remain shall be painted or plastered to match the proposed building.
  - c. The proposed trash enclosure shall be constructed of split-face block, slump stone or other decorative material, or shall be stucco finished to match the proposed building.
  - d. The proposed transformer may be relocated from the location depicted on the approved site plan to the planter area near the southerly property line, adjacent to the proposed bike racks.
2. Prior to issuance of a grading permit, the Precise Grading Plan shall include the following improvements: Damaged curb, gutter and sidewalk along the Springdale Street frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207.
3. Prior to issuance of building permits, an interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted. The plan shall also be reviewed and approved by the Fire Department and Public Works Department.
4. Prior to final inspection or occupancy, all existing utilities that are within the project or within easements exclusively serving the site shall be under-grounded. This

includes the Southern California Edison (SCE) aerial lines and poles along the entire length of the northerly property line of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies.

5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**DRAFT**

**WEDNESDAY, August 13, 2008 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Ron Santos, Andrew Gonzales, Rami Talleh, Kimberly De Coite (recording secretary)

**MINUTES:** July 9, 2008  
July 16, 2008  
August 6, 2008  
**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 2008-028 (SPRINGDALE STREET COMMERCIAL CENTER)**

**APPLICANT:** Bill Makari, 7515 Oaktree Avenue, Westminster, CA 92683  
**PROPERTY OWNER:** BCR Stutsman, LLC, 29859 Harvester Road, Malibu, CA 90265  
**REQUEST:** To permit construction of an approximately 8,795 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements.  
**LOCATION:** 16161 Springdale Street, 92649 (west side of Springdale St., south of Edinger Ave.)  
**PROJECT PLANNER:** Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, and zoning of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Santos reported that the Public Works Department recommended two additional conditions of approval. The first condition requiring that a precise grading plan be submitted showing the replacement of damaged curb, gutter, and sidewalk along Springdale Street. The second condition requiring that all utilities within the project site or within the easements exclusively serving the site be under-grounded.

Mr. Santos noted that no public comments on this item were received. He reported that all applicable departments provided the code requirements for the project and did not raise issues regarding the project.

**THE PUBLIC HEARING WAS OPENED.**



Bill Makari, applicant, stated he had one question regarding the procedure for reciprocal access with the neighboring property.

Mr. Santos stated that the property owner's sole responsibility would be to offer reciprocal access to the adjacent property owner and record the offer with the office of the Orange County Clerk. He stated that if the adjacent property owner refuses, it would be the city's responsibility to require them to accept the offer when their property is redeveloped. Mr. Santos stated that the city is requiring that the improvements be made to the property listed in the request, regardless of whether the adjacent property owner accepts reciprocal access.

Mr. Ramos stated that eventually, when the adjacent property owner applies to the city for improvements, the city would require them to also make an offer of reciprocal access.

Mr. Ramos asked if the applicant had any further questions. The applicant indicated that he did not have any further questions.

Peter Haddad, project architect, stated that, due to engineering issues, the electrical transformer would be relocated to the landscape area on the south side of the property and that it would be screened by landscaping. He noted that the drainage would go to the rear landscape area.

Mr. Ramos inquired if the molding along the rear and sides would be the same size as the molding along the front. Mr. Haddad confirmed that it would be.

Mr. Santos recommended an additional condition, Condition 1.d, be added, providing for the proposed relocation of the transformer. Mr. Ramos agreed to that addition.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that the request was approved as recommended by staff with the additional condition 1.d and the two additional conditions recommended by the Public Works Department.

**CONDITIONAL USE PERMIT NO. 2008-028 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of construction of a commercial structure not exceeding 10,000 sq. ft. in floor area in an urbanized area on a site zoned for such use where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

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3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including minimum building setbacks, on-site parking and landscaping requirements, and maximum floor area ratio and building height. The proposed project will accommodate retail uses, which are permitted in the CG (Commercial General) zoning district.
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LU10.1.12. Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

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  - c. The proposed trash enclosure shall be constructed of split-face block, slump stone or other decorative material, or shall be stucco finished to match the proposed building.
  - d. The proposed transformer may be relocated from the location depicted on the approved site plan to the planter area near the southerly property line, adjacent to the proposed bike racks.
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3. Prior to issuance of building permits, an interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted. The plan shall also be reviewed and approved by the Fire Department and Public Works Department.
4. Prior to final inspection or occupancy, all existing utilities that are within the project or within easements exclusively serving the site shall be under-grounded. This includes the Southern California Edison (SCE) aerial lines and poles along the entire length of the northerly property line of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. **(PW)**
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

### **INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council,



TO: APPLICANT  
VIA: E-MAIL 07-22-08

## HUNTINGTON BEACH BUILDING DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JULY 16, 2008  
**PROJECT NAME:**  
**PLANNING APPLICATION NO:** 2008-129  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT CUP 2008-028  
**DATE OF PLANS:** JUNE 19, 2008  
**PROJECT LOCATION:** 16161 SPRINGDALE STREET  
**PLAN REVIEWER:** ERIC HAGHANI, PLAN CHECK ENGINEER  
**TELEPHONE/E-MAIL:** (714) 374-1589 / Ehaghani@surfcity-hb.org  
**PROJECT DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF A NEW 8,800 SQ. FT. SINGLE STORY COMMERCIAL RETAIL CENTER LOCATED ON A VACANT LOT.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer. Compliance is required prior to building permit issuance and all applicable items must meet the Huntington Beach Municipal Code (HBMC) and the California Code of Regulations (CCR or Title 24).

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#### **I. SPECIAL CONDITIONS:**

1. None

#### **II. CODE ISSUES:**

1. A complete soils report prepared by a qualified person shall be submitted during plan check who will determine the suitability and engineering properties for the site for foundation design.
2. Fire rated walls and opening protections are required on the two side walls & shall be addressed when plans are submitted for review.
3. Separate male & female restrooms are required when the occupant loads are more than 10 and the suite space is greater than 1,500 sf (unit numbers F & G).

ATTACHMENT NO. 5.1



## HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JULY 14, 2008  
**PROJECT NAME:** PLAZA MARINA COMMERCIAL CENTER  
**ENTITLEMENTS:** PLANNING APPLICATION # 2008 – 0129, CUP# 2008-028  
**PROJECT LOCATION:** 16161 SPRINGDALE, HUNTINGTON BEACH, CA  
**PLANNER:** RON SANTOS, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** (714) 536-5271/ rsantos@surfcity-hb.org  
**PLAN REVIEWER-FIRE:** LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST  
**TELEPHONE/E-MAIL:** (714) 536-5531/ lcaldwell@surfcity-hb.org  
**PROJECT DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF A COMMERCIAL BUILDING.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 26, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

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#### **PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:**

- a. **Fire Access Roads** shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24') wide, with thirteen feet six inches (13' 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26') wide, with thirteen feet six inches (13' 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **NOTE:** Current portrayed design meets the width requirements. (FD)
- b. **Fire Access Road Turns and Corners** shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access*. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **NOTE:** Current portrayed design meets the turn radius requirements. (FD)

- c. **Fire Lanes**, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)
- d. **Automatic Fire Sprinklers**. NFPA13 Automatic fire sprinkler systems are required per Huntington Beach Fire Code for new buildings with "fire areas" 5000 square feet or more or for buildings 10,000 square feet or more.

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval.

Automatic fire sprinkler systems must be maintained operational at all times, with maintenance inspections performed quarterly and the system serviced every five years by a state licensed C-16 Fire Protection Contractor.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

**NOTE:** Significant changes to the Huntington Beach Fire Code have occurred as of January 1, 2008 as a result of the adoption of the International Fire and Building Codes by the State of California. An option may be available to the applicant to demise a portion of the structure with a rated fire barrier. Fire sprinklers will be required for fire areas 5000 square feet or greater or combined floor areas 10,000 square feet or greater per adopted Huntington Beach Fire Department amendments. (FD)

- e. **Fire Department Connections (FDC)** to the automatic fire sprinkler systems shall be located to the front of the building, at least 25 feet from and no farther than 150 feet of a properly rated fire hydrant. (FD)
- f. **NPFA 13 Commercial Fire Sprinkler Systems Supply** shall be from a dedicated fire water service installed per Fire Department, Public Works, and Water Division Standards. The dedicated fire water service connection shall be a minimum of four inches (4") in size. Depending on fire sprinkler system demands, larger water service may be required. Separate plans shall be submitted to the Public Works Department for approval and permits, and must be completed prior to issuance of a grading permit. The dedicated fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. Contact Huntington Beach Public Works Department (714-536-5431) for offsite water improvement requirements. (FD)

- g. **On-Site Fire Service Piping (FSP)** Application for permit shall be made for on-site Fire Service Piping (FSP), including but not limited to, private fire service mains and underground sprinkler laterals. Maximum allowed velocity of fire flow in supply piping is 12 fps. Additionally, application for permit shall be made for fire protections systems (sprinklers, alarms, chemical, fire pumps, etc.) as applicable.

Permits may be obtained at the City of Huntington Beach Department Fire Department by completing a Fire Permit Form (available at Fire Administration) and submitting such plans and specifications as required by the bureau of fire prevention. A permit constitutes permission to begin work in accordance with approved plans and specifications. The permit fee includes plan checking and inspections by an authorized fire prevention inspector. Development reviews/approvals by the bureau of fire prevention during planning do not constitute approval to perform FSP or fire protection system work, unless otherwise noted. (FD)

- h. **Connection to the Public Water Supply** - Separate plans shall be submitted to the Public Works Department detailing the connection, piping, valves and back-flow prevention assembly (DDCA) for approval and permits. Approval by Public Works and the Fire Department must be completed prior to issuance of a grading permit. The dedicated private fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. (FD)
- i. **Fire Extinguishers** shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)
- j. **Commercial Food Preparation Fire Protection System**, if utilized, is required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection of Commercial Cooking Operations* in the plan notes. (FD)
- k. **Fire Sprinkler System Controls** access shall be provided, utilizing a KNOX® Fire Department Access Key Box, installed and in compliance with *City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. The approximate location of the system controls shall be noted on the plans. Reference compliance in the plan notes. (FD)
- l. **Structure or Building Address Assignments**. The Planning Department shall review and make address assignments. The individual dwelling units shall be identified with numbers per *City Specification # 409 Street Naming and Address Assignment Process*. For Fire Department approval, reference compliance with *City Specification #409 Street Naming and Address Assignment Process* in the plan notes. (FD)

- m. **Commercial Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front and rear doors. All address numbers are to be in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and portray the address location on the building. **(FD)**
- n. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:
- Site plot plan showing the building footprint.
  - Specify the type of use for the building
  - Location of electrical, gas, water, sprinkler system shut-offs.
  - Fire Sprinkler Connections (FDC) if any.
  - Knox Access locations for doors, gates, and vehicle access.
  - Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
  - Shall be in accordance with County of Orange Ordinance 3809.
  - File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.
  - Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
  - Separate drawing file for each individual sheet.
- In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing*.

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**



**THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**

**OTHER:**

- a. Discovery of soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

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Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5<sup>th</sup> floor

Huntington Beach, CA 92648

or through the City's website at **[www.surfcity-hb.org](http://www.surfcity-hb.org)**

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

S:\Prevention\1-Development\1-Planning Department - Planning Applications, CUP's\Springdale 16161 (Plan Zone 1) PA# 2008-0129 7-11-08 LC.doc

RECIPROCAL  
ACCESS

219.00'

26'-0"

26'-0"

FIRE LANE  
RED CURB  
PER CITY SPEC.  
#415

25

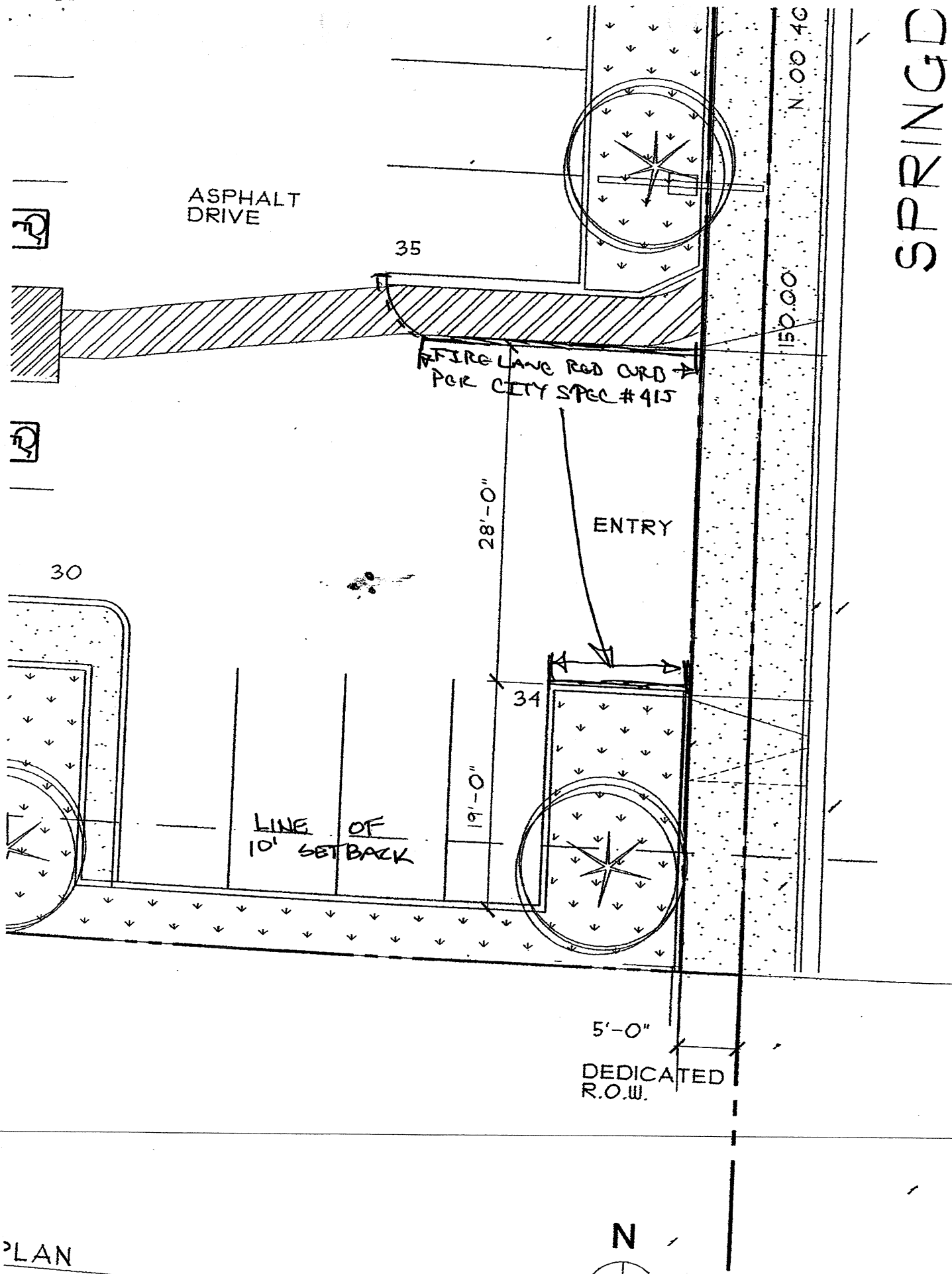
26'-0"

26

ASPHALT  
DRIVE

35

ATTACHMENT NO. 5.7



SPRINGD

PLAN  
1" = 10'-0"

N  
ATTACHMENT NO. 5.8

N89 39' 42" E

14

T.E.

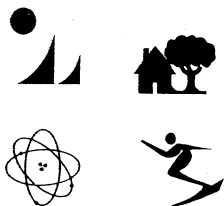
16 FIRE LANG RED CURB PER CS#415

COVERED WALK

45' SETBACK  
HGT SETBACK

N 00 40' 50" W

AMILY HOMES



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

August 4, 2008

Bill Makari  
7515 Oaktree Ave.  
Westminster, CA 92683

**SUBJECT: CONIDITIONAL USE PERMIT NO. 08-028 – DEVELOPMENT AND USE REQUIREMENTS**

**PROJECT ADDRESS: 16161 SPRINGDALE STREET, HUNTINGTON BEACH**

Dear Mr. Makari:

In order to assist you with your development proposal, staff has reviewed the project plans and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance (HBZSO) and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any “conditions of approval” adopted by the Zoning Administrator. Please note that if the design of your project or site conditions change, the list may also change.

The attached project implementation requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within 10 calendar days of the project approval pursuant to the HBZSO Sec. 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the HBZSO and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at (714) 536-5561 or at [rsantos@surfcity-hb.org](mailto:rsantos@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

RON SANTOS  
Associate Planner

Enclosure

cc: BCR Stutsman, LLC (Property Owner)  
Herb Fauland, Planning Manager  
Darin Maresh, Fire Dept. – 714-536-5564

Gerald Caraig, Building & Safety Dept. – 714-374-1575  
Steve Bogart, Public Works Dept. – 714-536-5580

ATTACHMENT NO. 5.10

**CODE REQUIREMENTS, POLICIES, AND STANDARD PLANS OF THE  
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE**

**PROJECT:    CONDITIONAL USE PERMIT NO. 2008-028:**  
**ADDRESS:    16161 SPRINGDALE STREET, HUNTINGTON BEACH**

The list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Zoning Administrator would also be applicable to your project. A list of conditions of approval, if any, will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner.

1. The site plan, floor plans, and elevations approved by the Zoning Administrator shall be the conceptually approved design with the following modifications:
  - a. Elevations shall indicate approved colors and building materials.
  - b. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
  - c. Depict all utility apparatus, such as but not limited to, electrical panels, back flow devices utility meters mailboxes (as approved by the United States Postal Service) and similar items on the site plan and elevations. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
  - d. Energy saving lamps shall be used for all outdoor lighting. All outside lighting shall be directed to prevent "spillage" onto adjacent properties. The type and location of all exterior lighting shall be indicated on the site plan and elevations. **(HBZSO Sec. 231.18(C))**
2. Prior to submittal for building permits, Zoning entitlement conditions of approval and code requirements identified herein, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. Prior to issuance of building permits, the following shall be completed:
  - a. The subject property shall enter into irrevocable reciprocal driveway and parking easement(s) between the subject site and the adjacent northerly property. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(HBZSO Sec. 231.18(E)(4))**

**ATTACHMENT NO. 5.11**

- b. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be approved prior to issuance of permits for any signs. **(HBZSO Sec. 233.04(B))**
  - c. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of **HBZSO Sec. 230.20 – Payment of Park Fee**. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following has been completed:
  - a. All improvements in accordance with approved plans, except as provided for by conditions of approval.
  - b. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
  - c. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
5. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/ project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
6. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
7. Conditional Use Permit No. 2008-028 shall not become effective until the ten calendar day appeal period from the Zoning Administrator approval of the entitlements has elapsed.
8. Conditional Use Permit No. 2008-028 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
9. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 2008-028 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
10. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
11. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.

12. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Zoning Administrator's action.
13. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Zoning Administrator.
14. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
15. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning.
16. Alcoholic beverage sales shall be prohibited unless a conditional use permit for this particular use is reviewed and approved.





## HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** AUGUST 7, 2008

**PROJECT NAME:** PLAZA MARINA

**ENTITLEMENTS:** CUP 08-028

**PLNG APPLICATION NO:** 2008-0129

**DATE OF PLANS:** JULY 25, 2008

**PROJECT LOCATION:** 16161 SPRINGDALE, HUNTINGTON BEACH

**PROJECT PLANNER:** RON SANTOS, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 536-5561 / [RSANTOS@SURFCITY-HB.ORG](mailto:RSANTOS@SURFCITY-HB.ORG)

**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER *AB*

**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)

**PROJECT DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF A NEW 8,800 SQ. FT. SINGLE STORY COMMERCIAL RETAIL CENTER LOCATED ON A VACANT LOT.

AUG - 8 2008

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

#### THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A DEMOLITION PERMIT:

1. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).

ATTACHMENT NO. 5.14

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A GRADING PERMIT:**

1. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
  - a. The existing driveway approach on Springdale Street shall be removed and replaced with an ADA compliant commercial driveway approach per Public Works Standard Plan No. 211. The minimum width for commercial driveways is twenty-seven feet (27'). (ZSO 230.84)
  - b. A new sewer lateral shall be installed connecting to the main in Springdale Street. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)
  - c. Each retail unit proposed within the building may have a separate domestic water service and meter constructed per Water Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). Alternatively, a domestic master water service and meter to the building is also acceptable. The domestic water service(s) shall be a minimum of 2-inches in size. (ZSO 230.84)
  - d. A separate irrigation water service and meter shall be installed per Water Standards. The water service shall be a minimum of 1-inch in size. (ZSO 230.84)
  - e. A separate dedicated fire water service shall be constructed per Water Standards for the fire sprinkler system required by the Fire Department. (ZSO 230.84)
  - f. Separate backflow protection devices shall be installed per Water Standards for domestic, irrigation, and fire water services. (Resolution 5921 and Title 17)
  - g. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water meter, box, appurtenance, and backflow protection device shall be upgraded and/or relocated to conform to the current Water Standards. (ZSO 255.04E)
2. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
  - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
  - c. Standard landscape code requirements apply. (ZSO 232)
3. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
4. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
5. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report

shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545)

6. A Project Water Quality Management Plan (WQMP) conforming to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:
  - a. Discusses regional or watershed programs (if applicable)
  - b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
  - c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan ( DAMP)
  - d. Incorporates Treatment Control BMPs as defined in the DAMP
  - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
  - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
  - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
  - h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs
  - i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
    - i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
    - ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
  - j. The applicant shall return one CD media to Public Works for the project record file.
7. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
8. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)
9. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)

ATTACHMENT NO. 5.16

10. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
11. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
12. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING  
GRADING OPERATIONS:**

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
2. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
3. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
4. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
5. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
6. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
7. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
8. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
9. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
10. Wind barriers shall be installed along the perimeter of the site. (DAMP)
11. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**ATTACHMENT NO. 5.17**

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A BUILDING PERMIT:**

1. A Precise Grading Permit shall be issued. (MC 17.05)
2. Traffic impact fees for commercial development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$154 per net new added daily trip is adjusted annually. This project is forecast to generate 468 new daily trips for a total traffic impact fee of \$72,072.00. (MC 17.65)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL  
INSPECTION OR OCCUPANCY:**

1. Complete all improvements as shown on the approved grading and landscape plans. (MC 17.05)
2. The current tree code requirements shall apply to this site. (ZSO 232)
  - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,
  - b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)
3. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
4. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
5. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
  - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
  - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
6. All new utilities shall be undergrounded. (MC 17.64)
7. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf). (ZSO 240.06/ZSO 250.16)
8. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)

**ATTACHMENT NO. 5-18**

Harbor Homes, Inc  
8515 Oaktree Avenue  
Westminster, CA 92683  
Email: nabilm2000@yahoo.com  
714-655-4786  
714-898-8905 fax

City of Huntington Beach

AUG 25 2008

**Notice of Appeal**

**CPU 08-028 16161 Springdale Street, Huntington Beach, CA 92649**

To: The Secretary of the Planning Commission

Here I am appealing the decision made on August 13, 2008 regarding CPU 08-028.

(1) Condition # 4. August 14, 2008 "All existing utilities that are within the project easements that are exclusively serving the site shall be under-grounded."

**Reasons for appealing**

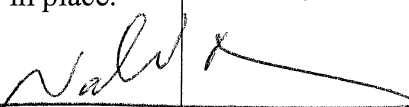
- A) The required under-grounding required the under-grounding of the Edison line that runs across the street which serves the rest of the community.
- B) The overhead Edison power line and its poles support and feed other properties through a mean of overhead transformers
- C) The line that is supposed to be under-grounded "that runs through the subject property" also feeds other neighboring properties
- D) We found it to be a cost that might prohibit the project. Cost of under-grounding might be in the value of 25% of the project total building cost.
- E) We are requesting a waiver to such under-grounding due to hardship and also unforeseen cost

(2) Suggested Conditions of Approval – August 7, 2008

Traffic Impact Fee - \$72, 072.00

- A) I am appealing the calculation of the fee based on the square footage of the existing building
- B) The existing building is calculated as 4054 square feet
- C) Record shows a building that is 4200 square feet
- D) Existing slab shows a foot print of about 5600 square feet
- E) The calculation of the new building includes the mechanical room which is 260 square feet (the mechanical room is not part of the old building calculation)

I am referring to the existing building since it has been demolished but the slab and footings are still in place.

  
Bill Makari  
Harbor Homes, Inc.

ATTACHMENT NO. 16

**U 3.3.3**

Require that new developments employ the most efficient drainage technology to control drainage and minimize damage to environmentally sensitive areas. (I-U 2, I-U 6, and I-U 5)

**U 3.3.4**

In areas of known subsidence, require new development to minimize the use of cross gutters and utilize technology such as low flow storm drains. (I-U 2, I-U 6, and I-U 5)

**Solid Waste**

***Goal***

**U 4**

Maintain solid waste collection and disposal services in accordance with the California Integrated Waste Management Act of 1989 (AB939), and pursue funding sources to reduce the cost of the collection and disposal services in the City.

***Objective***

**U 4.1**

Ensure an adequate and orderly system for the collection services and the disposal of solid waste to meet the demands of new and existing development in the City.

***Policies***

**U 4.1.1**

Maintain adequate solid waste collection for commercial, industrial, and residential developments in accordance with state law. (I-U 11)

**U 4.1.2**

Investigate the feasibility of providing trash and recycling receptacles along City streets in pedestrian oriented commercial areas (i.e., Downtown, Peter's Landing, Beach Boulevard nodes, etc.); design receptacles to be aesthetically compatible with the district in which they are located. (I-U 3)

***Objective***

**U 4.2**

Recycle solid waste to reduce the amount of bulk which must be disposed in area landfill, to conserve energy resources, and to be consistent with the provisions of the California Integrated Waste Management Act of 1989 (AB939).

***Policies***

**U 4.2.1**

Monitor SRRE and HHWME programs to ensure proper implementation and achievement of mandated solid waste reduction and diversion goals. (I-U 5 and I-U 12)

**U 4.2.2**

Revise and replace programs that do not achieve their intended purpose as stated in the SRRE and HHWME. (I-U 5 and I-U 12)

**Gas Supply, Telecommunication,  
Electricity**

***Goal***

**U 5**

Maintain and expand service provision to City of Huntington Beach residences and businesses.

***Objective***

**5.1**

Ensure that adequate natural gas, telecommunication and electrical systems are provided.

***Policies***

**U 5.1.1**

Continue to work with service providers to maintain current levels of service and facilitate improved levels of service. (I-U 5)

**U 5.1.2**

Continue to underground above ground electrical transmission lines. (I-U 6)



**Chapter 17.65****FAIR SHARE TRAFFIC IMPACT FEE**

(3048-9/90, 3477-11/00, 3617-10/03)

**Sections:**

- 17.65.010 Short Title
- 17.65.020 Intent and Purposes
- 17.65.030 Definitions
- 17.65.040 Applicability of Chapter
- 17.65.050 Establishment of a Fair Share Traffic Impact Mitigation Fee
- 17.65.060 Exemption
- 17.65.070 Calculation and Payment of the Traffic Impact Fee
- 17.65.080 Fee Adjustments
- 17.65.090 Fee Refunds
- 17.65.100 Fee Credits for Construction of Citywide Surface Transportation Improvements
- 17.65.110 Establishment of Reserve Account for Fees
- 17.65.120 Eligible Expenditures From Fee Reserve Account
- 17.65.130 Annual Program Review and Periodic Adjustment of the Fee
- 17.65.140 Preparation of Implementation Guidelines

**17.65.010 Short Title**

This Chapter of the Municipal Code may be cited as the "Fair Share Traffic Impact Fee Ordinance."

**17.65.020 Intent and Purposes**

This Chapter is intended to implement the goals, objectives and policies of the City of Huntington Beach General Plan, by ensuring that the City's adopted Level of Service standards for arterial roadways and signalized intersections are maintained when new development is constructed within the City limits. By imposing a fee that is reasonably related to the burdens created by new development on the City's surface transportation system, together with funding available from other City revenue sources, the City will be able to construct the required capital improvements, accommodate projected growth and fulfill the goals, objectives and policies of the City's General Plan.

It is the intent of the City Council that the fee required by this Chapter shall be supplementary to any conditions imposed upon a development project pursuant to other provisions of the Municipal Code, the Subdivision Map Act, the California Environmental Quality Act, other state and local laws, ordinances or Charter provisions which may authorize the imposition of conditions on development.

**17.65.030 Definitions**

For the purpose of this Chapter, the following terms shall be defined as follows:

- (a) "Applicant" shall mean any person or legal entity that applies for a permit or other entitlement for a new development project.

11/00

ATTACHMENT NO. 8-1



- (b) "City" shall mean the City of Huntington Beach.
- (c) "Commercial or Industrial Development Project" shall mean the construction of new Floor Area on a lot in any of the Non-Residential Zoning Districts of the City.
- (d) "Development Project" means any residential, commercial or industrial Development Project.
- (e) "Fair Share Traffic Impact Mitigation Fee" or "Fee" shall mean the fee imposed on new development projects pursuant to this Chapter.
- (f) "Floor Area" shall mean the area of all floors and levels as defined in the Huntington Beach Building Code.
- (g) "Government or Public Facilities" shall mean publicly owned buildings and structures used for the purposes of conducting City, County, State or Federal Government business. Such facilities shall include, but not be limited to, city halls, police and fire stations, offices, equipment yards, sanitation facilities, schools, recreation centers, and similar facilities. Private commercial Development Projects leasing publicly owned land shall not be considered Government or Public Facilities.
- (h) "Land Use Category" shall mean any of the specific land uses that have been listed in the fair share implementation resolution authorized pursuant to Section 17.65.050, and used to provide the basis for future traffic projections.
- (i) "New Development Project" shall mean any construction, addition, alteration or other change of use of a building or land that requires the City to issue a grading, building, plumbing, mechanical, or electrical permit, or any other form of entitlement.
- (j) "Public Works Director" shall mean the Director of Public Works or the Director's designee.
- (k) "Residential Development Project" shall mean the construction of a dwelling unit on a lot in any of the residential zoning districts of the City. For purposes of this Chapter, the addition of Floor Area shall be considered construction of a Residential Development Project if the additional Floor Area exceeds fifty (50) percent of the existing Floor Area, as determined by the Building and Safety Director.
- (l) "Site-Related Right-of-Way or Improvement Construction" shall mean right-of-way or traffic improvements that must be constructed on the site of a new development project in order to comply with applicable City development regulations and standards.
- (m) "Surface Transportation System" shall mean the City's system of streets, roads and intersections traversed by automobiles and other vehicles.
- (n) "Fee Calculation Report" shall mean the report entitled "City of Huntington Beach Fair Share Traffic Mitigation Impact Fee Calculation Method and Justification" prepared by Hamilton, Rabinovitz & Alschuler, dated September 19, 2000.

- (o) "Transportation System Needs Analysis" shall mean the report prepared for the City entitled *City of Huntington Beach Transportation System Needs Analysis 2000-2010*, prepared by JR Consulting Engineers, dated September 12, 2000.
- (p) "Vehicle Trips" shall mean the number of average, daily trips generated by uses of land, as specified in the Santa Ana River Area ("SARA") traffic model, and at the discretion of the Public Works Director when the SARA traffic model does not provide vehicle trips, the most recent edition of Institute of Transportation Engineers, *Trip Generation*.

#### **17.65.040 Applicability of Chapter**

- (a) **New Development Projects Deemed Complete After December 1, 2000.** The obligations established by this Chapter shall apply to all new development projects for which a development application was deemed complete on or after December 1, 2000. No building permit or any other entitlement for use shall be issued for a new development project unless such project complies with the requirements of this Chapter.
- (b) **New Development Projects Deemed Complete Prior to December 1, 2000.** New development projects for which the last discretionary development application was deemed complete, or for which a building permit was issued, prior to December 1, 2000 shall be subject to the provisions of Municipal Code Chapter 17.65 or the Interim Traffic Impact Fee Ordinance as either existed on the date the application was deemed approved, or the building permit was issued, as applicable.

#### **17.65.050 Establishment of a Fair Share Traffic Impact Mitigation Fee**

A Fair Share Traffic Impact Mitigation Fee is hereby established. Any person who, after the effective date of this Chapter, seeks to develop land, or modify the use of land within the City, by applying for a building permit or other entitlement for use, or an extension of a building permit or other entitlement for use previously granted, for a development project that will generate net additional vehicle trips on City streets, is hereby required to pay a Fair Share Traffic Impact Mitigation Fee in the manner and amount specified herein.

The City Council shall, by resolution, set the specific amount of the fee, a formula for adjusting the fee to account for annual inflation in transportation improvement construction costs, describe the benefit and impact area on which the development impact fee is imposed, list the specific public improvements to be constructed, describe the estimated cost of these facilities, and describe the reasonable relationship that exists between the fee, the various types of new development permitted in the City and the cost of improvements necessitated by new development. The specific amount of the fee shall be based upon the category for the development, multiplied by the vehicle trip for Land Use Category multiplied by the size of the use.

This fee shall be adjusted on December 1, 2001, and annually thereafter by an amount equal to the change in the construction cost index for the preceding year, as determined by the Engineering News Record, published by the McGraw Hill.

**17.65.060 Exemptions**

- (a) **Exemption Categories.** The following development projects shall be exempt from the requirements of this Chapter:
- (1) Government and public facilities.
  - (2) Alteration or expansion of an existing building in which no additional dwelling units are created, the use is not changed, and where no additional vehicle trips will be produced over and above those produced by the existing building.
  - (3) The construction of accessory buildings, structures or uses which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.
  - (4) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that no additional vehicle trips will be produced over and above those produced by the original use of the land.
- (b) **Claim for Exemption Required.** Any claim of exemption must be filed in the same manner and will be considered pursuant to the same procedure as for a fee adjustment as provided in Section 17.65080(c).

**17.65.070 Calculation and Payment of the Traffic Impact Fee**

- (a) **Fee Calculation.** The Public Works Director shall be responsible for calculating the Fair Share Traffic Impact Mitigation Fee required by this Chapter, in accordance with the Fair Share Traffic Impact Mitigation Fee Schedule adopted by resolution of the City Council. The applicable amount of the fee shall be estimated at least 60 days prior to the first public hearing for any discretionary planning approvals required by City Zoning and Subdivision Ordinance. The estimated fee shall identify the use category, the vehicle trips for the use and the total estimated for fee based upon the proposed size of the developments. The fee estimated shall be recalculated as needed at the time a building permit is issued, based on the vehicle trip generation characteristics of the final development plan for which the building permit is issued.
- (b) **Payment Procedure for Commercial or Industrial Development Projects.** Fees required by this Chapter from a New Commercial or Industrial Development Project shall be paid at the time that the City issues a building permit for the Project.
- (c) **Payment Procedure for Residential Development Projects.** The fee required by this Chapter from a New Residential Development Project shall be paid before final inspection of the dwelling unit on which the fee was imposed. However, the Planning Director may adopt procedures to advance the time the fee is due on Residential Development Projects consistent with *Government Code* Section 66007, as amended.

- (d) **Fee Payments for Phased Development Projects.** If a Development Project will be constructed in phases, and separate building permits and certificates of occupancy will be issued for each phase, fees imposed pursuant to this Chapter shall be calculated on the basis of the vehicle trip characteristics of the entire Development Project. Payment of the fees may be made separately for each phase, provided the amount paid for each phase shall be equal to the percentage that the vehicle trips for that phase represent of the total development project's vehicle trips. The fee per vehicle trip shall be the fee in effect at the time payment is due.
- (e) **Deposit of Fees.** All Traffic Impact Fees collected shall be transferred for deposit into a separate reserve account, as specified in this Chapter, and used solely for the purposes specified in this Chapter.

### **17.65.080 Fee Adjustments**

- (a) An applicant for a New Development Project subject to a fee required by this Chapter may apply to the City for a reduction, adjustment or waiver of the fee.
- (b) **Circumstances That May Justify a Fee Adjustment.** Examples of circumstances that may justify a fee adjustment include, but are not necessarily limited to the following:
- (1) The Development Project includes an existing building that is proposed to be demolished, provided the building proposed to be demolished was capable of being used at the time of the Development Project application, and sufficient information about its prior use is available to determine its trip generation characteristics. Any such adjustment is limited to the amount of the fee that would otherwise be due for the New Development Project.
  - (2) The physical or operating characteristics (e.g., hours of operation) of the New Development Project produce trip generation characteristics that are substantially different from the land use on which the fee calculation is based.
  - (3) The New Development Project includes multiple land uses whose trip generation characteristics are complementary, such that the Development Project's total trip generation is anticipated to be less than the sum of the vehicle trips associated with its individual land uses.
- (c) An application for a fee adjustment shall be made and decided as follows:
- (1) **Application.** A separate application shall be filed for each adjustment request made pursuant to this Section. Such application shall be made on a form provided by the Public Works Director and shall be filed with the Public Works Director not later than:
    - (A) thirty (30) days prior to the first public hearing on an applicable discretionary permit application for the Development Project, pursuant to the City Zoning and Subdivision Ordinance; or

- (B) if no such discretionary permit is required, at the time of application for a building permit for the Development Project. Each application shall state in detail the factual basis for the requested fee reduction, adjustment or waiver. The Public Works Director shall determine if the application is complete, and if not, may cause the public hearing to be continued until the application is determined to be complete.
- (2) **Hearing.** The Planning Commission or the Zoning Administrator shall consider the fee adjustment application at the same public hearing as the application for a discretionary development permit for the Development Project, or, if no such permit is required, the Public Works Commission shall consider the application at a separate hearing within (sixty) 60 days after the fee adjustment application is deemed complete by the Public Works Director.
- (3) **Appeal.** Any person may appeal the decision of the Planning Commission, Zoning Administrator or Public Works Commission to the City Council, by filing a written appeal with the City Clerk within ten (10) days of the Planning Commission's decision.

#### **17.65.090 Fee Refunds**

Upon application, fees collected by the City pursuant to this Chapter shall be refunded only under the following circumstances:

- (a) **Erroneous or Illegal Collection.** Fees will be refunded if the applicant demonstrates to the satisfaction of the Public Works Director that they were erroneously or illegally collected, or if the City is compelled to do so pursuant to a final judgment by a court of competent jurisdiction. An application for a refund pursuant to this Section shall be filed within ninety (90) days after the payment of the fees pursuant to Section 17.65.070.
- (b) **City Failure to Commit Funds.** Pursuant to Government Code Section 66001(e), fees will be refunded if the City fails to commit them to a surface transportation improvement project of the nature or type identified in the Transportation System Needs Analysis within five years from the date that the fees were collected from the applicant. For purposes of this subsection, fees are deemed to have been "committed" if they have been budgeted or otherwise encumbered by the City for an eligible improvement, studies, design drawings or any necessary applications for approval by other governmental agencies have been initiated, construction bidding has been initiated, or improvements are under construction. Eligible refunds, plus interest at the City's average annual cost of funds, will be made only upon an application filed within 180 days of the expiration of the fifth anniversary of the fee payment.

**17.65.100 Fee Credits for Construction of Citywide Surface Transportation Improvements**

- (a) An applicant for a New Development project shall be entitled to a credit against the amount of the Fair Share Traffic Impact Mitigation Fee otherwise required by this Chapter, if the applicant agrees to dedicate right-of-way needed for, or construct a traffic improvement listed in, the Transportation System Needs Analysis. No credit shall be given for site-related improvements or site-related right-of-way dedications.
- (b) **Application.** A separate application shall be filed for each adjustment request made pursuant to this Section. Such application shall be filed with the Public Works Director on a form provided by the Director, not later than:

- (1) Thirty (30) days prior to the first public hearing on an applicable discretionary permit application for the development project, pursuant to the City Zoning and Subdivision Ordinance; or
- (2) If no such discretionary permit is required, at the time of application for a building permit for the development project. Each application shall provide the documentation and assurances specified below.

Any credit application shall be considered pursuant to Section 17.65.070 in the same manner as the fee calculation adjustment.

- (c) **Credit for the Dedication of Non-Site-Related Right-of-Way.** Credit for the dedication of non-site-related right-of-way for streets or street segments listed in the Transportation System Needs Analysis shall be valued at 115 percent of the most recent assessed value as determined by the Orange County Assessor, or at the fair market value established by a private appraiser acceptable to the City. In no event shall the credit exceed the right-of-way costs for the street segment specified in the Transportation System Needs Analysis, or other applicable basis for the fee, nor shall the credit exceed the amount of the Fair Share Traffic Impact Mitigation Fee that would otherwise apply. Credit for the dedication shall be provided when the property has been conveyed at no cost to, and accepted by, the City in a manner specified by the City.
- (d) **Credit for Construction of Non-Site-Related Improvements.** Applications for credit for construction of non-site-related improvements shall submit acceptable engineering drawings, specifications and construction cost estimates to the Public Works Director. The Director shall recommend to the Planning Commission the amount of the credit for improvement construction based on either these cost estimates or alternative estimates if the Director determines reasonably that the estimates submitted by the applicant are either unreliable or inaccurate. In no event shall the amount of the credit exceed the improvement cost specified in the Transportation System Needs Analysis, or other applicable basis for the fee, nor shall the credit exceed the amount of the Fair Share Traffic Impact Mitigation Fee that would otherwise apply.

No final inspection or certificate of occupancy for the Development Project may be issued until: (1) the construction is completed and accepted by the City; (2) a suitable

maintenance and warranty bond is received and accepted by the City; and (3) all design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with City paving, drainage and other applicable requirements.

#### **17.65.110 Establishment of Reserve Account for Fees**

Pursuant to *Government Code* Section 66006, fees paid to the City pursuant to this Chapter shall be deposited into a separate Reserve Account in the City's General Fund and used solely for the purposes of providing surface transportation improvements. All monies deposited into the Reserve Account established by this Chapter shall be held separate and apart from other City funds. All interest or other earnings on the unexpended balance in the Reserve Account shall be credited to the Reserve Account.

#### **17.65.120 Eligible Expenditures From Fee Reserve Account**

All monies and interest earnings in the Reserve Account established by this Chapter shall be expended on the construction of surface transportation projects of the nature or type identified in the Transportation System Needs Analysis, or such other report as may be prepared from time to time to document the reasonable fair share of the costs to mitigate the traffic impacts of new development. Such expenditures may include, but are not necessarily limited to the following:

- (a) Reimbursement for all direct and indirect costs incurred by the City to construct surface transportation improvements pursuant to this Chapter, including the cost of land and right-of-way acquisition, planning, legal advice, engineering, design, construction and equipment.
- (b) Reimburse the City for the construction of surface transportation projects of the nature or type identified in the Transportation System Needs Analysis, or such other report as may be prepared from time to time to document the reasonable fair share of the costs to mitigate the traffic impacts of new development constructed by the City with local funds from other sources.
- (c) Costs of issuance or debt service associated with bonds, notes or other security instruments issued to fund surface transportation improvements identified in the Transportation System Needs Analysis.
- (d) Reimbursement for administrative costs incurred by the City in establishing or maintaining the Reserve Account required by this Chapter, including the cost of studies to establish the requisite nexus between the fee amount and the use of fee proceeds. City administrative costs shall not exceed ten (10) percent of the Reserve Account balance in any fiscal year.
- (e) No Reserve Account funds shall be used to pay for capital improvements that are associated with existing arterial street segment or signalized intersection Level of Service deficiencies, nor shall Reserve Account funds be used for periodic surface transportation system maintenance.

**17.65.130 Annual Program Review and Periodic Adjustment of the Fee**

Within 180 days after the last day of each fiscal year, the City Council shall review the status of compliance with this Chapter, including the amount of fees collected, expenditures from the Reserve Account, and the degree to which the fees collected pursuant to this Chapter are assisting the City to mitigate the surface transportation impacts of new development. At least every five (5) years after the effective date of the Ordinance enacting this Chapter, the Public Works Director shall prepare, and the City Council shall consider, the fee formula established to implement this Chapter, whether any adjustment in the fee formula or use of fee proceeds is warranted, or any other changes are needed to the procedures established by this Chapter, to fulfill the goals, objectives or policies of the City's General Plan. Each year between periodic reviews of the fee formula, the fee shall be increased by a factor to account for inflation in surface transportation construction costs, as provided in the City Council resolution setting the fee amount. (3617-10/03)

**17.65.140 Preparation of Implementation Guidelines**

Within sixty (60) days after the effective date of the Ordinance enacting this Chapter, the Director of Public Works shall prepare administrative guidelines to implement the provisions of this Chapter. The guidelines shall include administrative procedures, example fee calculations, application forms and such other information that will assist City staff, decision makers, developers and the public to understand how the provisions of this Chapter are to be implemented."